



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
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May 2, 2006

The Honorable Ken Bennett
President
Arizona State Senate
1700 West Washington Street
Senate Office Building
Phoenix, Arizona 85007

Re: SB 1356: hazardous air pollutants; *de minimis*

Dear President Bennett:

Today I vetoed Senate Bill 1356, regarding the establishment of *de minimis* amounts for federally listed hazardous air pollutants (HAPs) under the state HAPs program.

The bill is in opposition to the rule on HAPs recently promulgated by the Department of Environmental Quality ("ADEQ"). That rule, which was approved unanimously by the Governor's Regulatory Review Council (GRRC) on April 4, 2006, was developed by ADEQ through a two-year public process that included seven facilitated stakeholder meetings, three technical workshops, and two public hearings. During the stakeholder process, ADEQ made numerous changes to the rule in response to public comments, including those of industry groups. The rule protects Arizonan's from exposure to 73 toxic air pollutants that are known to cause cancer, blood disorders, lung disease, nervous system damage, genetic defects and other very serious health problems, as well as death.

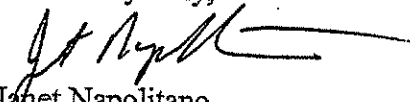
Senate Bill 1356 could be construed to place significant new and unnecessary obstacles in the way of ADEQ's important efforts to regulate toxic air pollutants. Such obstacles are not in the best interest of Arizona's children and families.

- Finally, I also note that Senate Bill 1356 contains language purporting to give ADEQ authority to adopt *de minimis* amounts for federally listed HAPs "for the first time." This language is legally inaccurate, as the Arizona Attorney General's Office has stated that ADEQ already clearly possesses such authority. Inaccurate statements such as this arguably could undermine the effective enforcement of ADEQ's current HAPs rules.

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For these and other reasons, I am vetoing Senate Bill 1356.

Yours very truly,



Janet Napolitano
Governor

JN:TN/jm

cc: The Honorable Jim Weiers
The Honorable Carolyn Allen

Passed the House April 18, 20 06,

by the following vote: 31 Ayes,

26 Nays, 3 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 8, 20 06,

by the following vote: 18 Ayes,

12 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1356

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 26, 20 06

by the following vote: 17 Ayes,

13 Nays, 0 Not Voting

Klu Bennett
President of the Senate

Charmian B. Dejean
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

26th day of April, 2006

at 3:10 o'clock P. M.

Jennifer Lybalka
Secretary to the Governor

Approved this _____ day of

at VETO o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 2 day of May, 2006

at 4:58 o'clock P. M.

Janice K. Brewer
Secretary of State